IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5061 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
JANUARY 22, 2007.

Heard Shri S.N. Dorlikar, learned counsel for the petitioners and Shri Jaiswal, learned AGP for respondents.

Writ Petition is filed sometimes in July 2005 and is pending without any orders before this Court since then. The petitioners are not in a position to point out whether tenure of Respondent No.4 as Director of Respondent No.3 – Bank has expired or not. However, they point out that in Criminal Writ Petition No. 195 of 2001, this Court has by order dated 22.11.2003 directed the Deputy Director of Cooperative Society to conduct enquiry and it is stated that Respondent No.4 was found guilty under Section 83 of the Maharashtra Cooperative Societies Act, 1960, (hereinafter referred to as the Act). The attention is also invited to communication dated 8.12.2004

issued by Respondent No.3 – Bank to one of the concerns of Respondent No.4, recalling the loan amount as the period thereof has expired. The grievance made in this petition is that Respondent No.4 had abused his position as Director to acquire personal favours either for himself or for his relatives or for various concerns in which he has interest. The learned counsel further states that after said recovery letter was issued on 8.12.2004, Respondent No.4 has approached the Cooperative Court and has secured interim orders.

Shri Jaiswal, learned AGP states that appropriate steps in accordance with law are bound to be taken in these circumstances. He argues that as the matter is pending before this Court for practically more than 18 months, the developments which have taken place during this period are not on record. He states that in these circumstances, if the petitioners are directed to approach Divisional Joint Registrar, the said authority can enquire into the matter and take appropriate decision.

In the circumstances, I find that interest of justice can be met by directing the petitioners to move appropriate representation

to Respondent No.1 i.e. Divisional Joint Registrar, Cooperative Society, Nagpur. If such a representation is made by the petitioners within three weeks from today, the said authority shall take appropriate decision upon it within a further period of six weeks, if necessary, after hearing the petitioners. Liberty to the petitioners to approach this Court again, if contingency arises.

With these directions, writ petition is disposed of. No order as to costs.

A copy of this order be furnished to AGP.

JUDGE

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